

FAX RECEIVED

MAY 17 2007

****EXPEDITED PROCESSING**
REQUESTED**

OFFICE OF PETITIONS

Dkt. 2048/57906-BA/JPW/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545 Examiner: Bo Peng
Filed : January 23, 2004 Group Art Unit: 1648
For : COMPOSITIONS COMPRISING ANTI-CCR5 ANTIBODY AND USES
THEREOF

Date of Notice
of Allowance: December 19, 2006 Confirmation No.: 7548

Projected
Issue Date: May 22, 2007
Projected
Patent Number: 7,220,411

1185 Avenue of the Americas
New York, New York 10036
May 17, 2007

BY FACSIMILE: (571) 273-0025
Office of Petitions
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY
ABANDON APPLICATION UNDER 37 C.F.R. §1.313(c)(3)**

Applicants hereby petition that the above-identified application projected to issue on May 22, 2007 be withdrawn from issue under 37 C.F.R. §1.313(c)(3) as a result of the express abandonment of the subject application in favor of a continuation application being filed concurrently. Applicants are concurrently filing a Declaration of Express Abandonment Under 37 C.F.R. §1.138, a copy of which is attached hereto as **Exhibit 1**. The required petition fee set forth in 37 C.F.R. §1.17(h) is ONE HUNDRED THIRTY DOLLARS (\$130.00) and the undersigned hereby authorizes the Patent Office to charge the amount of this fee to Deposit Account No. 03-3125.

On July 26, 2006, Examiner Peng issued an Office Action in connection with the subject application which provisionally rejected

05/17/2007 EXPLOR 00000013 033125 10763545

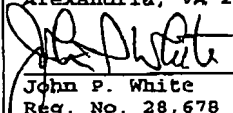
\$30.00 DA

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545
Filed : January 23, 2004
Page 2 of 2

claims 109-143 on the ground of nonstatutory obviousness-type double patenting over allowed claims 1-5, 18, 31, and 74 of U.S. Serial No. 10/371,483. In response, on October 26, 2006, applicants submitted a Terminal Disclaimer signed on behalf of the sole assignee of record of the subject application, Progenics Pharmaceuticals, Inc., which erroneously indicated that both the subject application and U.S. Serial No. 10/371,483 were solely owned by Progenics Pharmaceuticals, Inc. In fact, U.S. Serial No. 10/371,483 is jointly owned of record by Progenics Pharmaceuticals, Inc. and PDL Biopharma, Inc. Accordingly, in order to redress this error, applicants are expressly abandoning the subject application, but not the subject matter disclosed and/or claimed therein, in favor of a continuation application being concurrently filed with the filing of this Petition and the Declaration of Express Abandonment.


No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being transmitted by facsimile on this date to:
(571) 273-0025
Office of Petition
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

John P. White
Reg. No. 28,678

5/17/07

Date


John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

FAX RECEIVED

COOPER & DUNHAM LLP
ATTORNEYS AT LAW

MAY 17 2007

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036
TELEPHONE: (212) 278-0400

OFFICE OF PETITIONS

CHRISTOPHER C. DUNHAM	IVAN S. KAVRUKOV
NORMAN H. ZIVIN	PETER D. MURRAY
JOHN P. WHITE	WILLIAM E. PELTON
ROBERT D.G. HOROWITZ	ROBERT D. KATZ
ERIC D. KIRSCH	PAUL TENG
GARY J. GERSNIK	PETER J. PHILLIPS
WENDY E. MILLER	RICHARD S. MILNER
ROBERT T. MALDONADO	RICHARD F. JAWORSKI
MAHIA V. MARUCCI	AUDE GERSPACHER
JEFFREY C. SHIEH	BRIAN J. AMOS
TONIA A. SAYOUR	GREGORY J. CARRO
ASHOK B. CHANDRA*	JOSEPH A. SHERINSKY*
LISA E. HORWITZ*	HINDY R. OYM*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630
(212) 391-0631
(212) 827-0247

SCIENTIFIC ADVISOR
JAMES R. MAJOR, D. PHIL
AMANDA L. WILLIS, PH.D.

FOUNDED 1887
www.cooperdunham.com

*NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO : Office of PetitionsCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO.: (571) 273-0025FROM : John P. White/AGTOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 5DATE : May 17, 2007

TIME:

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

MESSAGE: PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY ABANDON APPLICATION UNDER 37 C.F.R. §1.313(C)(3), in connection with William C. Olson and Paul J. Maddon, Compositions Comprising Anti-CCR5 Antibody And Uses Thereof, U.S. Serial No. 10/763,545, filed January 23, 2004.

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

EXHIBIT A